

REMARKS

The foregoing amendments to the claims along with the remarks presented hereinafter are intended to place the subject application in condition for allowance. Specifically, claims 1-9, 11-14, 16, 18-23, 33-36 and 38-42 have been amended as described in sections 2, 3, 5 and 8 below.

1. Interview Summary

The applicants filed an Applicant Initiated Interview Request Form PTOL-413A in conjunction with their filing of an After Final Response on December 4, 2006. An interview meeting was subsequently held on January 24, 2007 between the undersigned and Examiner Hurley, during which the applicants' After Final Response and claim language was discussed. During this interview meeting the applicants became aware that the **Examiner is interpreting each different section of any given hanger to be an arm (i.e. both fixed sections and sliding sections).**

2. Rejection of Claims 1-9, 12, 16, 18, 19, 22, 23 and 33-36 Under 35 USC §102(b)

The aforementioned Final Office Action of October 4, 2006 rejected claims 1-9, 12, 16, 18, 19, 22, 23 and 33-36 of the subject application under 35 USC §102(b) as being anticipated by Bell (U.S. Patent No. 5,598,957). The Examiner used the same rationale for this rejection as was used in a previous Office Action dated July 13, 2006. In the aforementioned Advisory Action of January 17, 2007 the Examiner simply contended that the applicants' arguments for patentability of these claims "failed to overcome the rejections as previously presented." The applicants have amended the claims as discussed below to overcome this rejection and as such, the applicants respectfully disagree with this contention of anticipation for the following reasons.

Based on the Examiner's interpretation of the applicants' claim language noted in section 1 above, the applicants have amended the rejected claims as follows. Claims 1, 5 and 33 are amended to specifically recite a hanger "with two arms." Claims 4, 9 and 36 are amended to specifically recite "two" hanger arms. Claims 1-9, 12, 16, 18, 19, 22,

23 and 33-36 are amended to recite a “single” fixed arm and a “single” sliding arm as applicable. Claims 2, 4, 6, 9, 12, 19, 22, 33 and 36 are also amended to change the term “said” to “the” for consistency and improved readability. Claims 2, 6, 16 and 34 are also amended to correct typographical errors.

The **applicants claim** a collapsible garment hanger with **two arms** which is based on an asymmetric design that includes a **single fixed arm and a single sliding arm**. This results in the following salient advantages, each of which is discussed in detail throughout the applicants’ specification. First, when the sliding arm is fully retracted, the hanger collapses to an asymmetric shape and a size that is much smaller than that of hangers based on a symmetric design, resulting in an offset spacing that is small enough to allow the hanger to be easily inserted into and removed from the neck of a small-necked garment without overly stretching and/or damaging the garment, and without requiring that the hanger be inserted/removed by moving it through the bottom of the garment. Second, the hanger can be fully extended and retracted by a user by using gravity and only a single hand. Finally, based on the way the hanger balances, when the hanger is empty and in the collapsed position on a clothes rack, it will hang with the tip of the fixed part extending slightly above the level of any filled hangers. Thus, empty hangers will be clearly visible and accessible.

In contrast, based on the Examiner’s aforementioned interpretation of what constitutes a hanger arm, **Bell teaches** an adjustable hanger with **four arms** which is based on a symmetric design that includes **two fixed arms** (the “carrying surfaces 5” which extend from the fixed “main body 2”) and **two sliding arms** (the “carry arms 4” which slide into and out of the “carrying surfaces 5”). (refer to FIG. 1, and column 2, lines 47-51 and 59-64) As such, the hanger taught by Bell does not appreciate the aforementioned advantages of the applicants’ claimed hanger. For example, the shape and size of Bell’s hanger in its fully collapsed state results in an offset spacing that is much larger than that of the applicants’ claimed hanger. Therefore, Bell’s hanger can not be easily inserted/removed from the neck of a small-necked garment without overly stretching and/or damaging the garment, or requiring that the hanger be inserted/removed through the bottom of the garment. In addition, a user would typically

require two hands to extend or retract Bell's hanger since one hand would be required to hold it in place while the other hand rotates the "connection means 9." (refer to column 3, line 44 – column 4, line 3) Finally, since Bell's hanger is symmetrically balanced regardless of how much its two arms are extended, when it is empty and fully collapsed it will not be clearly visible and accessible to a user.

A prima facie case of anticipation is established only when the Examiner can show that the cited reference teaches each of the claimed elements of a rejected claim. In this case, based on the remarks presented above, the Examiner has not shown that the Bell reference teaches the subject application's claimed feature of a hanger with two arms that includes a single fixed arm and a single sliding arm. Thus, the rejected claims recite a feature that is not taught in the cited art, and as such, a prima facie case of anticipation can not be established. Accordingly, it is respectfully requested that the rejection of claims 1-9, 12, 16, 18, 19, 22, 23 and 33-36 be reconsidered based on the following novel language exemplified in claim 1:

"A collapsible garment hanger with two arms comprising:
a single fixed arm;
a hook element attached to the fixed arm;
a single sliding arm with a longitudinally oriented slot; and
a crosspiece extending through the slot and attaching the sliding arm
slidably to the fixed arm." (emphasis added)

3. Rejection of Claims 1-9, 11, 12, 15, 16, 18-20, 22, 23 and 33-36 Under 35 USC §102(b)

The aforementioned Final Office Action of October 4, 2006 rejected claims 1-9, 11, 12, 15, 16, 18-20, 22, 23 and 33-36 of the subject application under 35 USC §102(b) as being anticipated by McClenning (U.S. Patent No. 3,874,572). The Examiner used the same rationale for this rejection as was used in the aforementioned Office Action dated July 13, 2006. The applicants have amended the claims as discussed below to overcome this rejection and as such, the applicants respectfully disagree with this contention of anticipation for the following reasons.

Based on the Examiner's interpretation of the applicants' claim language noted in

section 1 above, the applicants have amended the rejected claims as follows. Claims 1-9, 12, 16, 18, 19, 22, 23 and 33-36 are amended as described in section 2. Claims 11 and 20 are amended to recite a “single” fixed arm and a “single” sliding arm, and also to change the term “said” to “the” for consistency and improved readability.

As discussed in section 2, the **applicants claim** a hanger with **two arms** which is based on an asymmetric design that includes a **single fixed arm and a single sliding arm**. This results in various salient advantages, each of which is discussed in section 2.

In contrast, based on the Examiner’s aforementioned interpretation of what constitutes a hanger arm, **McClenning teaches** a collapsible hanger with **four arms** which is based on a symmetric design that includes **two “rotatable arms 12 and 14”** and **two sliding arms** (the “movable sections 18 and 20”). (refer to FIG. 1 and column 2, lines 4-17) As such, the hanger taught by McClenning does not appreciate the aforementioned advantages of the applicants’ claimed hanger for the same reasons as discussed for Bell in section 2.

A prima facie case of anticipation is established only when the Examiner can show that the cited reference teaches each of the claimed elements of a rejected claim. In this case, based on the remarks presented above, the Examiner has not shown that the McClenning reference teaches the subject application’s claimed feature of a hanger with two arms that includes a single fixed arm and a single sliding arm. Thus, the rejected claims recite a feature that is not taught in the cited art, and as such, a prima facie case of anticipation can not be established. Accordingly, it is respectfully requested that the rejection of claims 1-9, 11, 12, 15, 16, 18-20, 22, 23 and 33-36 be reconsidered based on the novel claim language which is recited in section 2.

4. Rejection of Claims 1-9, 11, 12, 16, 18-20, 22 and 23 Under 35 USC §102(b)

The aforementioned Final Office Action of October 4, 2006 rejected claims 1-9, 11, 12, 16, 18-20, 22 and 23 of the subject application under 35 USC §102(b) as being anticipated by Massa et al. (U.S. Patent No. 2,679,958 – hereafter Massa). The

Examiner used the same rationale for this rejection as was used in the aforementioned Office Action dated July 13, 2006. The applicants have amended the claims as discussed below to overcome this rejection and as such, the applicants respectfully disagree with this contention of anticipation for the following reasons.

Based on the Examiner's interpretation of the applicants' claim language noted in section 1 above, the applicants have amended the rejected claims as follows. Claims 1-9, 12, 16, 18, 19, 22 and 23 are amended as described in section 2. Claims 11 and 20 are amended as described in section 3 above.

As discussed in section 2, the **applicants claim** a hanger with **two arms** which is based on an **asymmetric** design that includes a **single fixed arm** and a **single sliding arm**. This results in various salient advantages, each of which is discussed in section 2.

In contrast, based on the Examiner's aforementioned interpretation of what constitutes a hanger arm, **Massa teaches** a collapsible hanger with **four arms** which is based on a **symmetric** design that includes **two fixed arms** (the "pair of straight-edged wings" which extend from the "triangular shaped frame consisting of an arched upper portion 11") and **two sliding arms** (the "extensible straight-edged arms 14"). (refer to FIG. 1, column 1, lines 45-49 and column 2, line 3) As such, the hanger taught by Massa does **not** appreciate the aforementioned advantages of the applicants' claimed hanger for the same reasons as discussed for Bell in section 2.

A *prima facie* case of anticipation is established only when the Examiner can show that the cited reference teaches **each** of the claimed elements of a rejected claim. In this case, based on the remarks presented above, the Examiner has not shown that the Massa reference teaches the subject application's claimed feature of a hanger with two arms which includes a single fixed arm and a single sliding arm. Thus, the rejected claims recite a feature that is not taught in the cited art, and as such, a *prima facie* case of anticipation can not be established. Accordingly, it is respectfully requested that the rejection of claims 1-9, 11, 12, 16, 18-20, 22 and 23 be reconsidered based on the

novel claim language which is recited in section 2.

5. Rejection of Claims 10, 15, 17 and 37-42 Under 35 USC §103(a)

The aforementioned Final Office Action of October 4, 2006 rejected claims 10, 15, 17 and 37-42 of the subject application under 35 USC §103(a) as being unpatentable over Bell. More particularly, the Examiner stated that Bell teaches all the features of these claims with the following exceptions. The Examiner contended that although Bell does not teach claim 10, 17 and 37's feature of the hanger containing a grasping point on the hook element, this feature "is well known in the art" and "it would have been obvious ... to utilize grasping points, so as to give the user something to hold as he extended the sliding arm." The Examiner also contended that although Bell does not teach claim 38-42's various "stopping point" features, "all of [these] are well known in the art ... and ... would have been well known and understood ... at the time the invention was made." The applicants have amended the claims as discussed below to overcome this rejection and as such, the applicants respectfully disagree with this contention of obviousness for the following reasons.

Based on the Examiner's interpretation of the applicants' claim language noted in section 1 above, the applicants have amended the rejected claims as follows. Claims 38-42 are amended to recite a "single" fixed arm and a "single" sliding arm. Claims 38, 39 and 42 are also amended to change the term "said" to "the" for consistency and improved readability.

As discussed in section 2, the **applicants claim** a hanger with **two arms** which is based on an asymmetric design that includes a **single fixed arm and a single sliding arm**. This results in various salient advantages, each of which is discussed in section 2.

In contrast, as discussed in section 2, **Bell teaches** a hanger with **four arms** which is based on a symmetric design that includes **two fixed arms and two sliding arms**. As such, the hanger taught by Bell does not appreciate the aforementioned advantages of the applicants' claimed hanger for the various reasons discussed in

section 2.

In order to deem the applicants' claims unpatentable under 35 USC §103(a), a prima facie case showing obviousness must be made. To make a prima facie case showing obviousness, all of the elements of the recited claims must be considered, especially when they are missing from the prior art. If a claimed element is not taught in the prior art and has advantages not appreciated by the prior art, then no prima facie case of obviousness exists. The Federal Circuit court has stated that it was an error not to distinguish claims over a combination of prior art references where a material limitation in the claimed system and its purpose was not taught therein (*In Re Fine*, 837 F.2d 107, 5 USPQ2d 1596 (Fed. Cir. 1988)).

In this case, based on the remarks presented above, it is the applicants' position that Bell does not teach the subject application's claimed feature of a hanger with two arms which includes a single fixed arm and a single sliding arm. Thus, rejected claims 10, 15, 17 and 37-42 recite a feature that is not taught in the cited art. Furthermore, Bell does not appreciate the aforementioned advantages of this feature. Accordingly, no prima facie case of obviousness has been established in accordance with the holding of *In Re Fine*. This lack of prima facie showing of obviousness means that rejected claims 10, 15, 17 and 37-42 are patentable under 35 USC §103(a) over Bell. Accordingly, it is respectfully requested that these claims be reconsidered based on the following non-obvious language exemplified in claim 5:

"A collapsible garment hanger with two arms comprising:
a single fixed arm;
a hook element attached to the fixed arm;
a single sliding arm with a longitudinally oriented slot; and
a guide bar extending through the slot and attaching the sliding arm
slidably to the fixed arm." (emphasis added)

6. Rejection of Claims 10, 17 and 37-42 Under 35 USC §103(a)

The aforementioned Final Office Action of October 4, 2006 rejected claims 10, 17 and 37-42 of the subject application under 35 USC §103(a) as being unpatentable over

McClenning. More particularly, the Examiner stated that McClenning teaches all the features of these claims with the following exceptions. The Examiner contended that although McClenning does not teach claim 10, 17 and 37's feature of the hanger containing a grasping point on the hook element, this feature "is well known in the art" and "it would have been obvious ... to utilize grasping points, so as to give the user something to hold as he extended the sliding arm." The Examiner also contended that although McClenning does not teach claim 38-42's various "stopping point" features, "all of [these] are well known in the art ... and ... would have been well known and understood ... at the time the invention was made." The applicants have amended the claims as discussed below to overcome this rejection and as such, the applicants respectfully disagree with this contention of obviousness for the following reasons.

Based on the Examiner's interpretation of the applicants' claim language noted in section 1 above, the applicants have amended claims 38-42 as described in section 5 above.

As discussed in section 2, the **applicants claim** a hanger with **two arms** which is based on an asymmetric design that includes a **single fixed arm and a single sliding arm**. This results in various salient advantages, each of which is discussed in section 2.

In contrast, as discussed in section 3 above, **McClenning teaches** a hanger with **four arms** which is based on a symmetric design that includes **two rotatable arms and two sliding arms**. As such, the hanger taught by McClenning does not appreciate the aforementioned advantages of the applicants' claimed hanger for the same reasons as discussed for Bell in section 2.

Therefore, based on the remarks presented above, it is the applicants' position that McClenning does not teach the subject application's claimed feature of a hanger with two arms which includes a single fixed arm and a single sliding arm. Thus, rejected claims 10, 17 and 37-42 recite a feature that is not taught in the cited art. Furthermore, McClenning does not appreciate the aforementioned advantages of this feature. As

such, no prima facie case of obviousness has been established in accordance with the holding of *In Re Fine*. This lack of prima facie showing of obviousness means that these rejected claims are patentable under 35 USC §103(a) over McClenning. Accordingly, it is respectfully requested that the rejection of these claims be reconsidered based on the non-obvious claim language which is recited in section 5.

7. Rejection of Claims 10, 15 and 17 Under 35 USC §103(a)

The aforementioned Final Office Action of October 4, 2006 rejected claims 10, 15 and 17 of the subject application under 35 USC §103(a) as being unpatentable over Massa. More particularly, the Examiner stated that Massa teaches all the features of these claims with the following exception. The Examiner contended that although Massa does not teach claim 10 and 17's feature of the hanger containing a grasping point on the hook element, this feature "is well known in the art" and "it would have been obvious ... to utilize grasping points, so as to give the user something to hold as he extended the sliding arm." The applicants have amended the claims as discussed heretofore to overcome this rejection and as such, the applicants respectfully disagree with this contention of obviousness for the following reasons.

As discussed in section 2 above, the **applicants claim** a hanger with **two arms** which is based on an **asymmetric** design that includes a **single fixed arm and a single sliding arm**. This results in various salient advantages, each of which is discussed in section 2.

In contrast, as discussed in section 4 above, **Massa teaches** a hanger with **four arms** which is based on a **symmetric** design that includes **two fixed arms and two sliding arms**. As such, the hanger taught by Massa does **not** appreciate the aforementioned advantages of the applicants' claimed hanger for the same reasons as discussed for Bell in section 2.

Therefore, based on the remarks presented above, it is the applicants' position that Massa does not teach the subject application's claimed feature of a hanger with two arms which includes a single fixed arm and a single sliding arm. Thus, rejected claims

10, 15 and 17 recite a feature that is not taught in the cited art. Furthermore, Massa does not appreciate the aforementioned advantages of this feature. As such, no prima facie case of obviousness has been established in accordance with the holding of *In Re Fine*. This lack of prima facie showing of obviousness means that these rejected claims are patentable under 35 USC §103(a) over Massa. Accordingly, it is respectfully requested that the rejection of these claims be reconsidered based on the non-obvious claim language which is recited in section 5 above.

8. Allowable Subject Matter

The aforementioned Final Office Action of October 4, 2006 allowed claims 24-32. The applicants kindly acknowledge allowance of these claims.

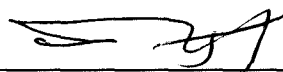
Claims 13, 14 and 21 were objected to in the Final Office Action as being dependent on a rejected base claim. The Examiner stated in the Final Office Action that these claims “would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.” However, the applicants at this time respectfully decline to rewrite these claims in independent form because the independent claims from which these claims depend are believed to be patentable as discussed above. However, in order to maintain consistency with the amendments to dependent claims 1 and 5 described in section 2 above, the applicants have amended claims 13, 14 and 21 as follows. Claims 13, 14 and 21 are amended to recite a “single” fixed arm and a “single” sliding arm as applicable. Claims 13 and 14 are also amended to change the term “said” to “the” for consistency and improved readability.

9. Summary

In view of the amendments to the claims contained herein along with the reasoning set forth above, the applicants believe that rejected claims 1-12, 15-20, 22, 23 and 33-42 of the subject application are now in condition for allowance as they are both novel and not obvious over the cited art. As such, reconsideration of the rejection of these claims is respectfully requested and allowance of these claims at an early date is courteously solicited.

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